

# United States Senate

WASHINGTON, DC 20510

June 20, 2014

The Honorable Gina McCarthy  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue N.W.  
Washington, D.C. 20460

Dear Administrator McCarthy:

We write regarding Montana Advanced Biofuels' Barley Pathway petition under the Renewable Portfolio Standard. The petition for this pathway was originally filed in 2010 and the comment period ended in August of 2013. The creation of such a pathway represents a significant opportunity for jobs in Montana while providing important environmental benefits.

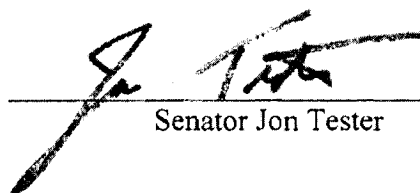
The Montana congressional delegation has repeatedly urged the Environmental Protection Agency (EPA) to complete this pathway, and we write again to urge you to do so. Last July EPA issued a notice of data availability for the release of its analysis of barley. What we hoped would be a matter of several months to finalize the pathway has taken almost a year and counting.

Although we expect careful deliberation of the impacts of a barley pathway, including the different land use considerations for Spring- and Winter-planted barley, we need to move forward. We also impress upon you that the Agricultural Act of 2014 (PL 113-333) contains significant reforms and additional conservation tools that will eliminate or substantially mitigate potential land use impacts. In particular, the law provides strong incentives for farmers to comply with highly erodible land conservation and wetland conservation provisions. Furthermore, similar incentives will prevent conversion of native sod to cropland in states where Spring-planted barley is planted as a main-season crop.

We also understand that EPA is undergoing a reevaluation of how the agency processes these requests. It is critical that the fuel pathway petition process works better for applicants, and we must ensure that any changes made to the process do not further delay the Barley Pathway petition from being acted upon. Can you assure us that the Montana Advanced Biofuels petition will be completed as soon as possible in order to provide certainty for farmers, investors, and job creation in Montana?

We appreciate your attention to this matter and stand ready to assist you if we can be of assistance in bringing this process to a close.

Sincerely,



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Senator Jon Tester



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Senator John Walsh



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

**AUG 18 2014**

OFFICE OF  
AIR AND RADIATION

The Honorable John Walsh  
United States Senate  
Washington, D.C. 20510

Dear Senator Walsh:

Thank you for your letter of June 20, 2014, to Administrator McCarthy, regarding the petition submitted by Montana Advanced Biofuels (MAB) to the U.S. Environmental Protection Agency for barley to be approved as an eligible feedstock under the Renewable Fuel Standard (RFS) program. The Administrator has asked that I respond on her behalf.

Our preliminary evaluation of renewable fuel derived from barley was published in the *Federal Register* on July 23, 2013, as part of a notice of data availability (NODA), which initiated a thirty-day period of public notice and comment. We received a number of significant comments that represented a range of differing opinions from industry during this period, including comments from MAB. These comments received through our public notice and comment process will ultimately help to inform our final determination.

We are now in the process of carefully considering these and other comments received on the barley NODA. As you noted, the EPA is currently undergoing a process designed to streamline our RFS petition process. Apart from that process, we have continued to move towards a final analysis that addresses the concerns and questions raised during public notice and comment on the barley NODA. We have had multiple productive conversations with MAB regarding their petition. We remain fully engaged with MAB and will continue to consult with them as we move forward towards a final determination. As we have done throughout the petition evaluation process, we will continue to consult with a variety of agricultural experts in the areas of barley cultivation, marketing, and renewable fuel production.

As noted in your letter, one important consideration in our analysis will be the extent to which the reforms and conservation tools enacted through the Agricultural Act of 2014 will prevent the conversion of native sod to cropland in key states where Spring-planted barley is a main-season crop. We are currently consulting with experts at the U.S. Department of Agriculture to understand these provisions better and incorporate them into our analysis. If you or your staff have any further information regarding the structure or implementation of these provisions that you would like to share with us, we would be happy to receive and consider it.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Patricia Haman in the EPA's Office of Congressional and Intergovernmental Relations at [haman.patricia@epa.gov](mailto:haman.patricia@epa.gov) or (202) 564-2806.

Sincerely,

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Janet G. McCabe  
Acting Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

**AUG 18 2014**

OFFICE OF  
AIR AND RADIATION

The Honorable Jon Tester  
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Washington, D.C. 20510

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Acting Assistant Administrator

**United States Senate**  
**WASHINGTON, DC 20510**

June 26, 2014

The Honorable Gina McCarthy, Administrator  
Environmental Protection Agency  
1200 Pennsylvania Ave. NW  
Washington, DC 20460

Dear Administrator McCarthy:

As leading advocates for expanding the role of domestic biofuels in our transportation fuels market, we are very encouraged by the substantial progress made over the past 15 years. Biofuels now contribute approximately ten percent of our nation's liquid transportation fuels, a truly remarkable achievement given the size of that market. But even more important is that we have the potential to supply significantly more of that market through the commercialization of advanced biofuels derived from a variety of sustainably produced feedstocks. Our colleagues in Congress recognized this opportunity and directed its realization by inclusion of the Renewable Fuel Standard (RFS2) in the Energy Independence and Security Act of 2007. We thank you and the Environmental Protection Agency (EPA) for your role in successfully administering that program.

As we are all aware, the commercialization of advanced biofuels derived from cellulosic feedstocks has not occurred as anticipated, at least in part because the severe economic recession blocked investments in advanced biorefineries. However, during this same period, numerous innovative biofuel feedstock and process technology pathways have emerged, significantly expanding the breadth of options available for producing advanced biofuels. These include not only different crops, but also novel ways of utilizing crop wastes, of combining process technologies, and even of fractioning conventional feedstocks such as corn into different components that can be converted into biofuels using more tailored and efficient processes.

We fully understand and support the EPA's issuance of annual volume requirements for cellulosic biofuels that have been significantly lower than those specified in the RFS2, and recognize this is simply a reflection of the reality of the delays that have occurred in commercialization. At the same time, we believe that the RFS2's intent that advanced biofuels would eventually become our nation's majority biofuel contributor has been made more viable with the breadth of currently emerging biofuel pathways.

So that we can realize the full potential of these emerging biofuel pathways, we believe that EPA needs to analyze them as integrated systems within broad boundaries. Specifically, we strongly urge EPA to analyze biofuels pathways that process different components of a feedstock in

different facilities as integrated systems. This approach of treating biofuel pathway analysis boundaries broadly is not only consistent with the current practice of including GHG emissions associated with international indirect land use changes, it will also provide important energy security, environmental, and agricultural productivity benefits.

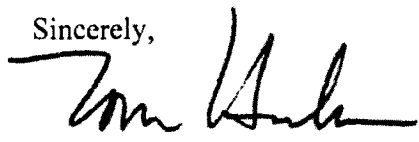
One example of such an innovative, emerging pathway is the approach that has been developed by Trestle Energy to produce advanced liquid biofuels, such as ethanol and butanol, and clean-burning solid fuels from "agricultural residues," such as leaves, stems, and husks, which are sustainably harvested from the same feedstock source. Today's high-count planting densities coupled with no-till practices necessitate removal of a fraction of these crop residues for sustainable crop production, thus harvesting and burning these residues at local coal-fired power plants provides important agricultural benefits while also reducing fossil fuel use. This dual use of the same feedstock dramatically reduces lifecycle GHG emissions from the associated liquid biofuel production.

Speedy commercialization of advanced biofuels also depends on expeditious analysis of biofuel pathway applications. We support EPA's current review of its biofuel pathway analysis process in order to accelerate consideration of biofuel pathway applications. However, we also urge EPA to continue to process applications that have already been submitted so that those applicants aren't forced to endure even longer approval periods.

In summary, as the EPA reviews its biofuel pathway evaluation process, we urge the agency to use the opportunity to ensure adoption of an expeditious and broad pathway boundaries analysis. We also urge EPA to give Trestle Energy's application full and prompt consideration because of its potential contributions to advanced biofuel commercialization and associated economic development in Iowa and other Midwestern states.

We appreciate your attention to this issue of importance to biomass feedstock producers as well as our transportation fuels sector. If you have any questions, please contact Eldon Boes in Senator Harkin's office, 202-224-3254.

Sincerely,

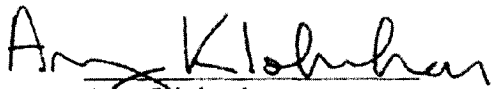


Tom Harkin  
United States Senate

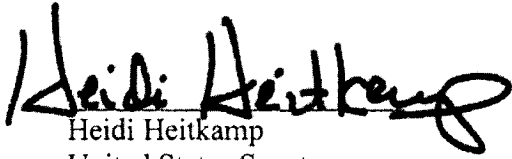


Tim Johnson  
United States Senate

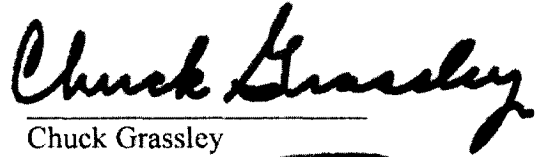
The Honorable Gina McCarthy  
June 26th 2014  
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Amy Klobucher  
United States Senate



Heidi Heitkamp  
United States Senate



Chuck Grassley  
United States Senate



Al Franken  
United States Senate



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

DEC 30 2014

OFFICE OF  
AIR AND RADIATION

The Honorable Tim Johnson  
United States Senate  
Washington, D.C. 20510

Dear Senator Johnson:

Thank you for your letter to U.S. Environmental Protection Agency Administrator Gina McCarthy dated June 26, 2014, regarding the U.S. Renewable Fuel Standard (RFS) program. The Administrator asked that I respond on her behalf.

We appreciate and share your goal of expanding the supply of advanced biofuels in United States transportation fuel. In establishing separate standards for advanced biofuels that grow rapidly over time, Congress made clear that the RFS program was intended to play a key role in driving the development and growth of lower greenhouse gas-emitting advanced biofuels. And in implementing the program, the EPA seeks to achieve this goal. The EPA has already established multiple different advanced biofuel pathways and we continue to work on many others. We have seen growth in advanced biofuel production and consumption over the past several years, and our objective is to ensure such growth continues.

Your letter specifically discussed the plans of Trestle Energy ("Trestle") to produce ethanol and butanol, and to harvest and burn crop residues, including corn and grain sorghum stover, at coal-fired power plants. We have received the petitions submitted by Trestle requesting that the EPA conduct a lifecycle greenhouse gas (GHG) assessment of their new fuel pathways and provide determinations of the fuel categories for which these pathways may be eligible under the RFS program. As we have discussed with Trestle, we have concerns that the emissions reductions for which they would like to receive credit are not associated with the production of the transportation fuel. We have had several meetings with the petitioner, and have discussed alternative approaches that are more consistent with our existing methodology for calculating lifecycle GHG emissions.

As discussed in your letter, the EPA released a program announcement in March describing planned improvements to the petition process for new fuel pathways. Given resource limitations, the agency must set priorities with respect to petition reviews, such as focusing on pathways that can contribute to meeting the cellulosic biofuel volumes. In September, the agency updated the New Fuel Pathways website to include a number of new tools and resources designed to provide information to our stakeholders in a clear, helpful manner. As part of these changes, we also developed an Efficient

Producer petition process that allows corn and sorghum ethanol producers to receive an expedited review if they meet certain criteria. We encourage Trestle to review the information regarding the Efficient Producer process on our website, and consider re-submitting a new petition using the expedited review process if they use an approach that is more consistent with our existing lifecycle methodology.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Patricia Haman in the EPA's Office of Congressional and Intergovernmental Relations at [haman.patricia@epa.gov](mailto:haman.patricia@epa.gov) or (202) 564-2806.

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Janet G. McCabe  
Acting Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

DEC 30 2014

OFFICE OF  
AIR AND RADIATION

The Honorable Chuck Grassley  
United States Senate  
Washington, D.C. 20510

Dear Senator Grassley:

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

DEC 30 2014

OFFICE OF  
AIR AND RADIATION

The Honorable Al Franken  
United States Senate  
Washington, D.C. 20510

Dear Senator Franken:

Thank you for your letter to U.S. Environmental Protection Agency Administrator Gina McCarthy dated June 26, 2014, regarding the U.S. Renewable Fuel Standard (RFS) program. The Administrator asked that I respond on her behalf.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

DEC 30 2014

OFFICE OF  
AIR AND RADIATION

The Honorable Amy Klobuchar  
United States Senate  
Washington, D.C. 20510

Dear Senator Klobuchar:

Thank you for your letter to U.S. Environmental Protection Agency Administrator Gina McCarthy dated June 26, 2014, regarding the U.S. Renewable Fuel Standard (RFS) program. The Administrator asked that I respond on her behalf.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
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DEC 30 2014

OFFICE OF  
AIR AND RADIATION

The Honorable Heidi Heitkamp  
United States Senate  
Washington, D.C. 20510

Dear Senator Heitkamp:

Thank you for your letter to U.S. Environmental Protection Agency Administrator Gina McCarthy dated June 26, 2014, regarding the U.S. Renewable Fuel Standard (RFS) program. The Administrator asked that I respond on her behalf.

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The Honorable Tom Harkin  
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Acting Assistant Administrator



JOHN BOOZMAN

ARKANSAS

320 HART SENATE OFFICE BUILDING  
WASHINGTON, DC 20510  
202-224-4843

## United States Senate

WASHINGTON, DC 20510

COMMITTEES

AGRICULTURE, NUTRITION, AND FORESTRY

APPROPRIATIONS

ENVIRONMENT AND PUBLIC WORKS

VETERANS' AFFAIRS

June 26, 2014

Mr. Christopher Grundler, Director  
Office of Transportation and Air Quality  
U.S. Environmental Protection Agency Fuels Programs Registration  
Room 6420, Mail Code 6401A  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460-0001

Dear Director Grundler,

I am writing to urge your attention toward a petition that was submitted to the EPA regarding approval of cottonseed oil as a renewable fuel feedstock. The National Cottonseed Products Association submitted its formal petition to EPA on December 12, 2011, but the EPA's review of this petition has been lengthy, and the agency has not provided information regarding when the next steps in this review will be complete. I ask for your prompt consideration of this matter.

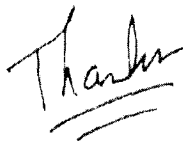
Cottonseed oil is a feedstock that, in my understanding, is similar in means of production and quality to soybean and canola oil, both of which have been approved as renewable fuel feedstocks. However, the EPA has determined that new modeling would be needed to complete the lifecycle analysis for cottonseed oil. To date, this modeling has not been completed, nor has the EPA provided information regarding when this modeling will be completed. As you can imagine, it is difficult for American farmers and cottonseed mills to plan for the future with this type of uncertainty hanging over them. I understand concerns that this situation is creating an unfair competitive disadvantage for certain farmers, without a clear justification.

I appreciate recent efforts by your staff to keep interested farmers and other stakeholders informed of ongoing modeling; however, I am concerned that you still have not provided a projected date of completion after more than two years. I urge you to expedite this modeling in order that the lifecycle analysis for cottonseed oil can be concluded without further delay. If you have any questions, please contact Jordan Forbes on my staff at 202-224-4843.

Sincerely,



John Boozman  
U.S. Senator



JB: jf

196 W. Main St. Suite 104 El Dorado, AR 71730 870-863-4641	1120 Garrison Ave. Suite B Fort Smith, AR 72901 479-573-0189	300 S. Church St. Suite 400 Jonesboro, AR 72401 870-268-6925	1401 W. Capitol Ave. Room F Little Rock, AR 72201 501-372-7153	213 W. Monroe Suite N Lowell, AR 72745 479-725-0400	1601 Hwy. 82 E. Suite 11 Mountain Home, AR 72653 870-424-0129	620 E. 22nd St. Suite 204 Springdale, AR 72150 870-672-6941
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

**AUG 27 2014**

OFFICE OF  
AIR AND RADIATION

The Honorable John Boozman  
United States Senate  
Washington, D.C. 20510

Dear Senator Boozman:

Thank you for your letter of June 26, 2014, regarding the petition submitted by the National Cottonseed Products Association (NCPA) to the U.S. Environmental Protection Agency for cottonseed oil to be approved as an eligible feedstock under the Renewable Fuel Standard (RFS) program.

My staff is in receipt of the NCPA petition and is currently conducting our evaluation of renewable fuel derived from cottonseed oil pursuant to the analytical requirements spelled out in the Energy Independence and Security Act of 2007 and the EPA's RFS regulations. A primary component of that evaluation process is an assessment of lifecycle greenhouse gas (GHG) emissions associated with the production and use of biofuels derived from a given feedstock. For a renewable fuel to qualify under the RFS program, that fuel's lifecycle GHG emissions must meet certain statutorily-defined thresholds. The EPA is currently conducting such an analysis for cottonseed oil, along with more than thirty other petitions for a variety of fuel and feedstock pathways.

Significant work, including modeling, has been done on this petition, and we have been in regular contact with NCPA on our analysis. We will continue to engage with them as we move towards publishing a draft analysis for public notice and comment.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Patricia Haman in the EPA's Office of Congressional and Intergovernmental Relations at [haman.patricia@epa.gov](mailto:haman.patricia@epa.gov) or (202) 564-2806.

Sincerely,

A handwritten signature in black ink, appearing to read "Janet G. McCabe", is located below the word "Sincerely,".

Janet G. McCabe  
Acting Assistant Administrator

## **Eades, Cassaundra**

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**From:** Haman, Patricia  
**Sent:** Monday, June 30, 2014 10:33 AM  
**To:** Mims, Kathy; Eades, Cassaundra  
**Cc:** Lewis, Josh  
**Subject:** Fw: Letter on winter barley as an advanced biofuel  
**Attachments:** 6-30MD EPA delegation letter winter barley.pdf

From Laura. Thanks!

---

**From:** Vaught, Laura  
**Sent:** Monday, June 30, 2014 10:30:38 AM  
**To:** Haman, Patricia; Lewis, Josh  
**Cc:** Distefano, Nichole  
**Subject:** Fw: Letter on winter barley as an advanced biofuel

New letter for system.

---

**From:** Mahr, Tom <Tom.Mahr@mail.house.gov>  
**Sent:** Monday, June 30, 2014 10:28:41 AM  
**To:** Vaught, Laura  
**Subject:** Letter on winter barley as an advanced biofuel

Laura – Mary Frances gave me your name. Please find attached a pdf copy of a Maryland delegation letter to the Administrator urging that ethanol produced from winter barley be considered an advanced biofuel. A hard copy is being put in the mail today.

Tom Mahr  
Policy Director  
Office of the Democratic Whip



**Congress of the United States**  
Washington, DC 20515

June 30, 2014

The Honorable Gina McCarthy, Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave  
Washington, DC 20460

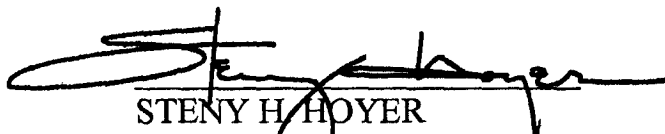
Dear Administrator McCarthy:

We write to encourage you to seriously consider approving ethanol produced from winter barley as an advanced biofuel. Barley is grown in the Chesapeake Bay region as a winter cover crop. It is planted in the fall after corn or soybeans to use any remaining nutrients from the previous crop, helping to prevent nutrient runoff into the Chesapeake Bay. With an ethanol plant in Hopewell, Virginia, expected to begin operation later this year, a determination that winter barley-to-ethanol is an advanced biofuel would help develop a new domestic fuel source, improve water quality, and generate economic benefits for Maryland's agricultural economy by creating a market for this highly effective winter cover crop.


For nearly two decades, Maryland grain farmers have provided financial support to small grains experts at Virginia Tech to develop barley cultivars with improved biofuel related traits. We understand that spring barley may not meet the standards for advanced biofuels, so we encourage you to consider winter barley separately. Approval of winter barley as an advanced biofuel would help diversify the operation of the Hopewell plant and contribute to its success in producing alternative fuels.

With environmental advantages as a biofuel feedstock and side benefits for Chesapeake Bay revitalization efforts, we believe EPA should have a strong interest in finalizing the status review of winter barley for ethanol.

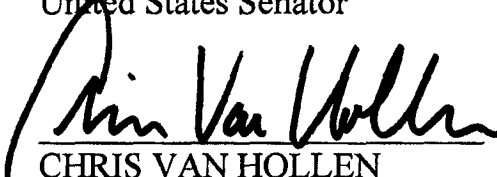
Sincerely,

  
STENY H. HOYER  
Member of Congress

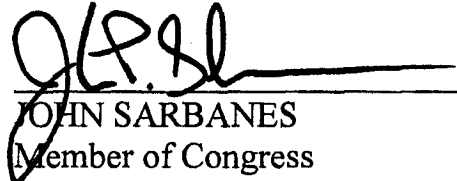
  
BARBARA MIKULSKI  
United States Senator

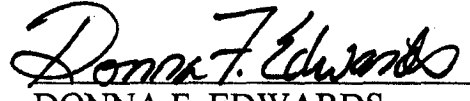
  
BENJAMIN L. CARDIN  
United States Senator


  
ELIJAH CUMMINGS  
Member of Congress

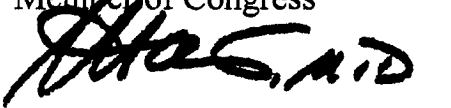
  
CHRIS VAN HOLLEN  
Member of Congress

  
C.A. DUTCH RUPPERSBERGER  
Member of Congress

  
JOHN SARBANES  
Member of Congress

  
DONNA F. EDWARDS  
Member of Congress

  
JOHN DELANEY  
Member of Congress

  
ANDY HARRIS  
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 18 2014

OFFICE OF  
AIR AND RADIATION

The Honorable Steny H. Hoyer  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Hoyer:

Thank you for your June 30, 2014, letter to U.S. Environmental Protection Agency Administrator Gina McCarthy regarding the EPA's evaluation of winter barley as an advanced biofuel under the Renewable Fuel Standard (RFS) program. The Administrator has asked me to respond on her behalf.

Our preliminary evaluation of renewable fuel derived from barley was published in the *Federal Register* on July 23, 2013, as part of a notice of data availability (NODA) which initiated a thirty day period of public notice and comment. We received a number of significant comments that represented a range of differing opinions from industry during this period including comments from Vireol Bio Energy Ltd, the company that owns the Hopewell, VA ethanol plant. We also received comments regarding barley's potential to improve water quality.

We are now in the process of carefully considering the comments received on the barley NODA. Since the close of notice and comment, we have had multiple productive conversations with the owners of the Hopewell plant regarding their unique circumstances. We remain fully engaged with these stakeholders and will continue to consult with them as we move forward towards a final determination. As we have done throughout the petition evaluation process, we will continue to consult with a variety of agricultural experts in the areas of winter barley cultivation, marketing, and renewable fuel production.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Patricia Haman in the EPA's Office of Congressional and Intergovernmental Relations at [haman.patricia@epa.gov](mailto:haman.patricia@epa.gov) or (202) 564-2806.

Sincerely,

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Janet G. McCabe  
Acting Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 18 2014

OFFICE OF  
AIR AND RADIATION

The Honorable Barbara A. Mikulski  
United States Senate  
Washington, D.C. 20510

Dear Senator Mikulski:

Thank you for your June 30, 2014, letter to U.S. Environmental Protection Agency Administrator Gina McCarthy regarding the EPA's evaluation of winter barley as an advanced biofuel under the Renewable Fuel Standard (RFS) program. The Administrator has asked me to respond on her behalf.

Our preliminary evaluation of renewable fuel derived from barley was published in the *Federal Register* on July 23, 2013, as part of a notice of data availability (NODA) which initiated a thirty day period of public notice and comment. We received a number of significant comments that represented a range of differing opinions from industry during this period including comments from Vireol Bio Energy Ltd, the company that owns the Hopewell, VA ethanol plant. We also received comments regarding barley's potential to improve water quality.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Patricia Haman in the EPA's Office of Congressional and Intergovernmental Relations at [haman.patricia@epa.gov](mailto:haman.patricia@epa.gov) or (202) 564-2806.

Sincerely,

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Janet G. McCabe  
Acting Assistant Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

AUG 18 2014

OFFICE OF  
AIR AND RADIATION

The Honorable Benjamin L. Cardin  
United States Senate  
Washington, D.C. 20510

Dear Senator Cardin:

Thank you for your June 30, 2014, letter to U.S. Environmental Protection Agency Administrator Gina McCarthy regarding the EPA's evaluation of winter barley as an advanced biofuel under the Renewable Fuel Standard (RFS) program. The Administrator has asked me to respond on her behalf.

Our preliminary evaluation of renewable fuel derived from barley was published in the *Federal Register* on July 23, 2013, as part of a notice of data availability (NODA) which initiated a thirty day period of public notice and comment. We received a number of significant comments that represented a range of differing opinions from industry during this period including comments from Vireol Bio Energy Ltd, the company that owns the Hopewell, VA ethanol plant. We also received comments regarding barley's potential to improve water quality.

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Janet G. McCabe  
Acting Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 18 2014

OFFICE OF  
AIR AND RADIATION

The Honorable Chris Van Hollen  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Van Hollen:

Thank you for your June 30, 2014, letter to U.S. Environmental Protection Agency Administrator Gina McCarthy regarding the EPA's evaluation of winter barley as an advanced biofuel under the Renewable Fuel Standard (RFS) program. The Administrator has asked me to respond on her behalf.

Our preliminary evaluation of renewable fuel derived from barley was published in the *Federal Register* on July 23, 2013, as part of a notice of data availability (NODA) which initiated a thirty day period of public notice and comment. We received a number of significant comments that represented a range of differing opinions from industry during this period including comments from Vireol Bio Energy Ltd, the company that owns the Hopewell, VA ethanol plant. We also received comments regarding barley's potential to improve water quality.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Patricia Haman in the EPA's Office of Congressional and Intergovernmental Relations at [haman.patricia@epa.gov](mailto:haman.patricia@epa.gov) or (202) 564-2806.

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Janet G. McCabe  
Acting Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 18 2014

OFFICE OF  
AIR AND RADIATION

The Honorable John Sarbanes  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Sarbanes:

Thank you for your June 30, 2014, letter to U.S. Environmental Protection Agency Administrator Gina McCarthy regarding the EPA's evaluation of winter barley as an advanced biofuel under the Renewable Fuel Standard (RFS) program. The Administrator has asked me to respond on her behalf.

Our preliminary evaluation of renewable fuel derived from barley was published in the *Federal Register* on July 23, 2013, as part of a notice of data availability (NODA) which initiated a thirty day period of public notice and comment. We received a number of significant comments that represented a range of differing opinions from industry during this period including comments from Vireol Bio Energy Ltd, the company that owns the Hopewell, VA ethanol plant. We also received comments regarding barley's potential to improve water quality.

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Janet G. McCabe  
Acting Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 18 2014

OFFICE OF  
AIR AND RADIATION

The Honorable John Delaney  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Delaney:

Thank you for your June 30, 2014, letter to U.S. Environmental Protection Agency Administrator Gina McCarthy regarding the EPA's evaluation of winter barley as an advanced biofuel under the Renewable Fuel Standard (RFS) program. The Administrator has asked me to respond on her behalf.

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Janet G. McCabe  
Acting Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 18 2014

OFFICE OF  
AIR AND RADIATION

The Honorable Elijah E. Cummings  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Cummings:

Thank you for your June 30, 2014, letter to U.S. Environmental Protection Agency Administrator Gina McCarthy regarding the EPA's evaluation of winter barley as an advanced biofuel under the Renewable Fuel Standard (RFS) program. The Administrator has asked me to respond on her behalf.

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Janet G. McCabe  
Acting Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 18 2014

OFFICE OF  
AIR AND RADIATION

The Honorable C.A. Dutch Ruppersberger  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Ruppersberger:

Thank you for your June 30, 2014, letter to U.S. Environmental Protection Agency Administrator Gina McCarthy regarding the EPA's evaluation of winter barley as an advanced biofuel under the Renewable Fuel Standard (RFS) program. The Administrator has asked me to respond on her behalf.

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Janet G. McCabe  
Acting Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 18 2014

OFFICE OF  
AIR AND RADIATION

The Honorable Donna Edwards  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congresswoman Edwards:

Thank you for your June 30, 2014, letter to U.S. Environmental Protection Agency Administrator Gina McCarthy regarding the EPA's evaluation of winter barley as an advanced biofuel under the Renewable Fuel Standard (RFS) program. The Administrator has asked me to respond on her behalf.

Our preliminary evaluation of renewable fuel derived from barley was published in the *Federal Register* on July 23, 2013, as part of a notice of data availability (NODA) which initiated a thirty day period of public notice and comment. We received a number of significant comments that represented a range of differing opinions from industry during this period including comments from Vireol Bio Energy Ltd, the company that owns the Hopewell, VA ethanol plant. We also received comments regarding barley's potential to improve water quality.

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Janet G. McCabe  
Acting Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

AUG 18 2014

OFFICE OF  
AIR AND RADIATION

The Honorable Andy Harris  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Harris:

Thank you for your June 30, 2014, letter to U.S. Environmental Protection Agency Administrator Gina McCarthy regarding the EPA's evaluation of winter barley as an advanced biofuel under the Renewable Fuel Standard (RFS) program. The Administrator has asked me to respond on her behalf.

Our preliminary evaluation of renewable fuel derived from barley was published in the *Federal Register* on July 23, 2013, as part of a notice of data availability (NODA) which initiated a thirty day period of public notice and comment. We received a number of significant comments that represented a range of differing opinions from industry during this period including comments from Vireol Bio Energy Ltd, the company that owns the Hopewell, VA ethanol plant. We also received comments regarding barley's potential to improve water quality.

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Sincerely,

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Janet G. McCabe  
Acting Assistant Administrator



# United States Senate

WASHINGTON, DC 20510

January 17, 2017

Sarah Dunham  
Acting Assistant Administrator  
Office of Air and Radiation  
1200 Pennsylvania Avenue, N. W.  
Mail Code: 6101A  
Washington, D.C. 20460

Dear Assistant Administrator:

As the Environmental Protection Agency (EPA) considers updates to the Renewable Fuel Standard (RFS) program to better align with recent market developments to promote the production of cellulosic and other advanced biofuels that could provide fuel alternatives that would displace fossil fuels, support rural economies, and benefit the environment, we write to express our support that trees and processed wood residue from naturally occurring and regenerating systems qualify as eligible feedstocks.

The current definition of renewable biomass under the RFS significantly inhibits the key environmental, rural development and national security objectives set by EPA in two significant areas: (1) trees established from natural regeneration silvicultural systems; and (2) processed wood residue established from silvicultural systems.

Under the RFS, "Renewable biomass" is defined only to include planted crops, planted tree and planted tree residue, animal waste, slash, biomass from public areas at risk of wildfire, and algae or yard waste. This definition omits a critical and readily available market of naturally regenerated tree residue that, if included, could significantly contribute to the goals of reducing carbon emissions and supporting forest economies. Most of the working forests in the Northeast and Lake States are regenerated naturally. These forests sustainably support the harvest of millions of tons of wood per year that supply hundreds of manufacturing facilities and producing large amounts of wood biomass.

While renewable biomass is currently defined under the RFS in such a way that excludes wood residue from processed wood from naturally regenerated stands, the definition of biomass is more inclusive under section 203(b) of the Energy Policy Act of 2005 (PL 109-58) and includes mill residues and non-merchantable material without specifying that such materials be from planted trees. Further, the Department of Energy's billion-ton study on biomass as energy identified tree residue from wood processing and pulp mills to be a key resource with a reliable and already in-place supply chain that, when marketed successfully, can significantly contribute to displacing petroleum consumption. Yet these materials, when originating from naturally regenerated stands, are excluded under the current RFS standard.

Given this, we urge EPA to amend the definition of eligible biomass for the production of cellulosic biofuels to reflect that renewable biomass means biomass from naturally regenerated forest land, residues and byproduct from milled logs, and pulpwood type logs.

This small modification to the RFS definition, in addition to helping to reduce carbon emissions, would positively impact rural economies, like those in Maine, by providing important new markets for logging residue from mills and help strengthen the industrial supply chain from harvest to transportation to distribution. This modification would also send a clear message to alternative fuel investors and innovators that EPA is taking the challenge to promote advanced and cellulosic biofuels.

The forest products industry in Maine has been a significant driver of the region's rural economy, providing prosperity to communities across our state for generations. In the wake of five mill and two standalone biomass facility closures over the past two years, EPA recently joined a U.S. Department of Commerce led *Economic Development Assessment Team* (EDAT) to the State of Maine to provide technical assistance and support to strengthen the future of Maine's forest products industry. This integrated, multiagency team toured impacted areas of Maine and identified markets for residuals, particularly from sawmills, as one of the critical strategies needed to promote resiliency and innovation in Maine's forest-based economy.

The EPA's recognition of the importance of a market for regenerative residuals in Maine is appreciated, and we hope the agency will continue with this demonstrated commitment by reexamining its definition of renewable biomass under the RFS. Modifying the RFS definition of renewable biomass to include a sustainably harvested material with a robust supply chain already in place will help EPA meet its RFS objectives, as well as its ultimate goal of displacing petroleum to promote the growth of rural industrial sectors, such as the forest economy in our state of Maine.

Thank you for your consideration of our request. Should you have any questions, please do not hesitate to contact us or have your staff contact Morgan Cashwell (Senator King) at (202) 224-5344 or Olivia Kurtz (Senator Collins) at (202) 224-5364.

Sincerely,



Angus S. King, Jr.  
United States Senator



Susan M. Collins  
United States Senator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

APR 26 2017

OFFICE OF  
AIR AND RADIATION

The Honorable Angus S. King, Jr.  
United States Senate  
Washington, D.C. 20510

Dear Senator King:

Thank you for your letter of January 17, 2017, to the U.S. Environmental Protection Agency regarding the agency's definition of "renewable biomass" under the renewable fuel standard (RFS) program.

As your letter notes, the definition of "biomass" in section 203(b) of the Energy Policy Act of 2005 is quite broad. However, the Energy Independence and Security Act of 2007 includes a definition of "renewable biomass," codified in Clean Air Act Section 211(o)(1)(I), that governs what materials may be used as feedstock to make qualifying renewable fuel under the RFS program. Thus, it is the current Clean Air Act statutory language that establishes the eligibility of feedstocks with respect to whether they qualify as "renewable biomass" for purposes of the RFS program.

I appreciate your highlighting the importance of this issue to your state and constituents. I understand that your staff has already spoken with my staff on this topic, and my team will continue to be available should you or your staff require additional assistance.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Patricia Haman in the EPA's Office of Congressional and Intergovernmental Relations at [haman.patricia@epa.gov](mailto:haman.patricia@epa.gov) or at (202) 564-2806.

Sincerely,

A handwritten signature in blue ink, which appears to read "Sarah Dunham", is positioned below the word "Sincerely,".

Sarah Dunham  
Acting Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

APR 26 2017

OFFICE OF  
AIR AND RADIATION

The Honorable Susan M. Collins  
United States Senate  
Washington, D.C. 20510

Dear Senator Collins:

Thank you for your letter of January 17, 2017, to the U.S. Environmental Protection Agency regarding the agency's definition of "renewable biomass" under the renewable fuel standard (RFS) program.

As your letter notes, the definition of "biomass" in section 203(b) of the Energy Policy Act of 2005 is quite broad. However, the Energy Independence and Security Act of 2007 includes a definition of "renewable biomass," codified in Clean Air Act Section 211(o)(1)(I), that governs what materials may be used as feedstock to make qualifying renewable fuel under the RFS program. Thus, it is the current Clean Air Act statutory language that establishes the eligibility of feedstocks with respect to whether they qualify as "renewable biomass" for purposes of the RFS program.

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Sarah Dunham  
Acting Assistant Administrator

**Congress of the United States**  
**Washington, DC 20515**

March 9, 2017

Mr. Christopher Grundler  
Director, Office of Transportation and Air Quality  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW | MC 6401A  
Washington, DC 20460

RE: Grain Sorghum Oil Biodiesel Pathway Petition

Dear Mr. Grundler:

On behalf of the sorghum farmers from each of our respective states, we write to request that the EPA move to expeditiously approve a pathway for the production of biofuels from grain sorghum oil under the Renewable Fuels Standard (RFS).

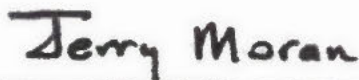
Sorghum is primarily grown in arid regions where limited water supplies can present challenges to other grains, making it an important crop for many of the farmers we represent. In 2016, about 6.8 million acres of sorghum were planted across the country. Sorghum production is projected to be almost 500 million bushels this year, with nearly 25 percent of the bushels being used for the production of biofuels.

As you know, on July 29, 2016, a renewable fuel pathway petition was submitted to your office by the National Sorghum Producers (NSP) for the production of biofuels from grain sorghum oil. Subsequent to the July submission, a request was made for supplemental data, which was provided on January 18, 2017. Under law, a petition can be handled expeditiously with an approval letter when the feedstock meets the criteria and is equivalent to an approved feedstock, such as corn oil in this instance.

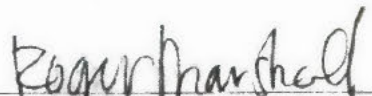
Several grain sorghum ethanol production facilities have already installed the technology necessary to separate sorghum oil from distiller's grains. However, because sorghum oil is not yet approved to produce biofuels, it is at a two-cent per pound disadvantage compared to corn oil. For these facilities to provide a competitive price to sorghum farmers, it is important that a pathway for producing biofuels from this oil be approved.

We appreciate your attention to this important matter and ask that you provide our offices with timely updates as to the agency's progress in considering the petition.

Sincerely,

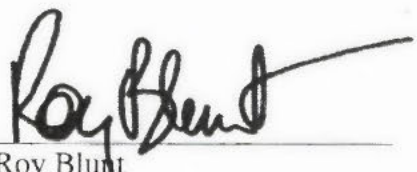


Jerry Moran  
United States Senator

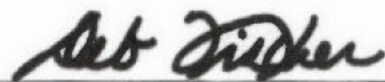


Roger Marshall, M.D.  
Member of Congress





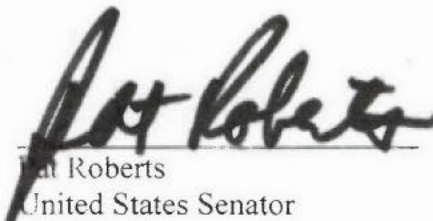
Roy Blunt  
United States Senator



Deb Fischer  
United States Senator



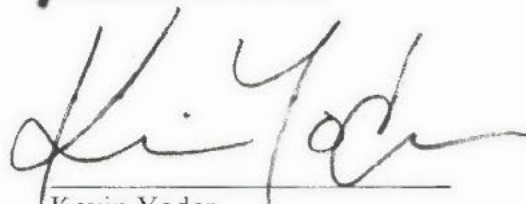
Claire McCaskill  
United States Senator



Pat Roberts  
United States Senator



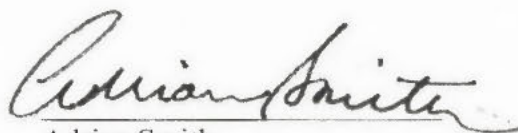
Benjamin Sasse  
United States Senator



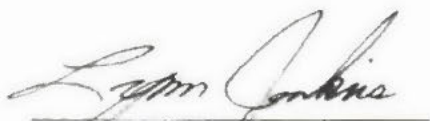
Kevin Yoder  
Member of Congress



Mac Thornberry  
Member of Congress



Adrian Smith  
Member of Congress



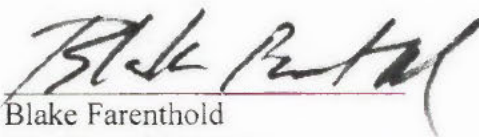
Lynn Jenkins, CPA  
Member of Congress



Frank Lucas  
Member of Congress



Tom Cole  
Member of Congress



Blake Farenthold  
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

MAY 25 2017

OFFICE OF  
AIR AND RADIATION

The Honorable Jerry Moran  
United States Senate  
Washington, D.C. 20510

Dear Senator Moran:

Thank you for your letter of March 9, 2017, to the U.S. Environmental Protection Agency regarding the production of biofuels from grain sorghum oil under the Renewable Fuel Standard (RFS).

My staff has been in regular contact with the National Sorghum Producers (NSP) regarding their petition. After reviewing the initial data from NSP, EPA determined that NSP did not include all of the data required to calculate the lifecycle greenhouse gas emissions as required by the Clean Air Act. On May 22, 2017, we received additional information from NSP, and we are currently reviewing this submission to determine whether it includes the information necessary to determine whether grain sorghum oil has comparable lifecycle greenhouse gas emissions to corn oil. In the previous lifecycle greenhouse gas evaluation that compared grain sorghum ethanol and corn starch ethanol production, the analysis showed important differences. We will carefully consider the best available science including the recently submitted information by NSP prior to making a determination for sorghum oil.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Patricia Haman in the EPA's Office of Congressional and Intergovernmental Relations at [haman.patricia@epa.gov](mailto:haman.patricia@epa.gov) or (202) 564-2806.

Sincerely,

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Sarah Dunham  
Acting Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

MAY 25 2017

OFFICE OF  
AIR AND RADIATION

The Honorable Roy Blunt  
United States Senate  
Washington, D.C. 20510

Dear Senator Blunt:

Thank you for your letter of March 9, 2017, to the U.S. Environmental Protection Agency regarding the production of biofuels from grain sorghum oil under the Renewable Fuel Standard (RFS).

My staff has been in regular contact with the National Sorghum Producers (NSP) regarding their petition. After reviewing the initial data from NSP, EPA determined that NSP did not include all of the data required to calculate the lifecycle greenhouse gas emissions as required by the Clean Air Act. On May 22, 2017, we received additional information from NSP, and we are currently reviewing this submission to determine whether it includes the information necessary to determine whether grain sorghum oil has comparable lifecycle greenhouse gas emissions to corn oil. In the previous lifecycle greenhouse gas evaluation that compared grain sorghum ethanol and corn starch ethanol production, the analysis showed important differences. We will carefully consider the best available science including the recently submitted information by NSP prior to making a determination for sorghum oil.

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Sincerely,

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Sarah Dunham  
Acting Assistant Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

MAY 25 2017

OFFICE OF  
AIR AND RADIATION

The Honorable Deb Fischer  
United States Senate  
Washington, D.C. 20510

Dear Senator Fischer:

Thank you for your letter of March 9, 2017, to the U.S. Environmental Protection Agency regarding the production of biofuels from grain sorghum oil under the Renewable Fuel Standard (RFS).

My staff has been in regular contact with the National Sorghum Producers (NSP) regarding their petition. After reviewing the initial data from NSP, EPA determined that NSP did not include all of the data required to calculate the lifecycle greenhouse gas emissions as required by the Clean Air Act. On May 22, 2017, we received additional information from NSP, and we are currently reviewing this submission to determine whether it includes the information necessary to determine whether grain sorghum oil has comparable lifecycle greenhouse gas emissions to corn oil. In the previous lifecycle greenhouse gas evaluation that compared grain sorghum ethanol and corn starch ethanol production, the analysis showed important differences. We will carefully consider the best available science including the recently submitted information by NSP prior to making a determination for sorghum oil.

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Sarah Dunham  
Acting Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

MAY 25 2017

OFFICE OF  
AIR AND RADIATION

The Honorable Claire McCaskill  
United States Senate  
Washington, D.C. 20510

Dear Senator McCaskill:

Thank you for your letter of March 9, 2017, to the U.S. Environmental Protection Agency regarding the production of biofuels from grain sorghum oil under the Renewable Fuel Standard (RFS).

My staff has been in regular contact with the National Sorghum Producers (NSP) regarding their petition. After reviewing the initial data from NSP, EPA determined that NSP did not include all of the data required to calculate the lifecycle greenhouse gas emissions as required by the Clean Air Act. On May 22, 2017, we received additional information from NSP, and we are currently reviewing this submission to determine whether it includes the information necessary to determine whether grain sorghum oil has comparable lifecycle greenhouse gas emissions to corn oil. In the previous lifecycle greenhouse gas evaluation that compared grain sorghum ethanol and corn starch ethanol production, the analysis showed important differences. We will carefully consider the best available science including the recently submitted information by NSP prior to making a determination for sorghum oil.

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Acting Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

MAY 25 2017

OFFICE OF  
AIR AND RADIATION

The Honorable Pat Roberts  
United States Senate  
Washington, D.C. 20510

Dear Senator Roberts:

Thank you for your letter of March 9, 2017, to the U.S. Environmental Protection Agency regarding the production of biofuels from grain sorghum oil under the Renewable Fuel Standard (RFS).

My staff has been in regular contact with the National Sorghum Producers (NSP) regarding their petition. After reviewing the initial data from NSP, EPA determined that NSP did not include all of the data required to calculate the lifecycle greenhouse gas emissions as required by the Clean Air Act. On May 22, 2017, we received additional information from NSP, and we are currently reviewing this submission to determine whether it includes the information necessary to determine whether grain sorghum oil has comparable lifecycle greenhouse gas emissions to corn oil. In the previous lifecycle greenhouse gas evaluation that compared grain sorghum ethanol and corn starch ethanol production, the analysis showed important differences. We will carefully consider the best available science including the recently submitted information by NSP prior to making a determination for sorghum oil.

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Sarah Dunham  
Acting Assistant Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

MAY 25 2017

OFFICE OF  
AIR AND RADIATION

The Honorable Benjamin Sasse  
United States Senate  
Washington, D.C. 20510

Dear Senator Sasse:

Thank you for your letter of March 9, 2017, to the U.S. Environmental Protection Agency regarding the production of biofuels from grain sorghum oil under the Renewable Fuel Standard (RFS).

My staff has been in regular contact with the National Sorghum Producers (NSP) regarding their petition. After reviewing the initial data from NSP, EPA determined that NSP did not include all of the data required to calculate the lifecycle greenhouse gas emissions as required by the Clean Air Act. On May 22, 2017, we received additional information from NSP, and we are currently reviewing this submission to determine whether it includes the information necessary to determine whether grain sorghum oil has comparable lifecycle greenhouse gas emissions to corn oil. In the previous lifecycle greenhouse gas evaluation that compared grain sorghum ethanol and corn starch ethanol production, the analysis showed important differences. We will carefully consider the best available science including the recently submitted information by NSP prior to making a determination for sorghum oil.

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Acting Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

MAY 25 2017

OFFICE OF  
AIR AND RADIATION

The Honorable Roger Marshall  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Marshall:

Thank you for your letter of March 9, 2017, to the U.S. Environmental Protection Agency regarding the production of biofuels from grain sorghum oil under the Renewable Fuel Standard (RFS).

My staff has been in regular contact with the National Sorghum Producers (NSP) regarding their petition. After reviewing the initial data from NSP, EPA determined that NSP did not include all of the data required to calculate the lifecycle greenhouse gas emissions as required by the Clean Air Act. On May 22, 2017, we received additional information from NSP, and we are currently reviewing this submission to determine whether it includes the information necessary to determine whether grain sorghum oil has comparable lifecycle greenhouse gas emissions to corn oil. In the previous lifecycle greenhouse gas evaluation that compared grain sorghum ethanol and corn starch ethanol production, the analysis showed important differences. We will carefully consider the best available science including the recently submitted information by NSP prior to making a determination for sorghum oil.

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Acting Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

MAY 25 2017

OFFICE OF  
AIR AND RADIATION

The Honorable Kevin Yoder  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Yoder:

Thank you for your letter of March 9, 2017, to the U.S. Environmental Protection Agency regarding the production of biofuels from grain sorghum oil under the Renewable Fuel Standard (RFS).

My staff has been in regular contact with the National Sorghum Producers (NSP) regarding their petition. After reviewing the initial data from NSP, EPA determined that NSP did not include all of the data required to calculate the lifecycle greenhouse gas emissions as required by the Clean Air Act. On May 22, 2017, we received additional information from NSP, and we are currently reviewing this submission to determine whether it includes the information necessary to determine whether grain sorghum oil has comparable lifecycle greenhouse gas emissions to corn oil. In the previous lifecycle greenhouse gas evaluation that compared grain sorghum ethanol and corn starch ethanol production, the analysis showed important differences. We will carefully consider the best available science including the recently submitted information by NSP prior to making a determination for sorghum oil.

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Sarah Dunham  
Acting Assistant Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

MAY 25 2017

OFFICE OF  
AIR AND RADIATION

The Honorable Mac Thornberry  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Thornberry:

Thank you for your letter of March 9, 2017, to the U.S. Environmental Protection Agency regarding the production of biofuels from grain sorghum oil under the Renewable Fuel Standard (RFS).

My staff has been in regular contact with the National Sorghum Producers (NSP) regarding their petition. After reviewing the initial data from NSP, EPA determined that NSP did not include all of the data required to calculate the lifecycle greenhouse gas emissions as required by the Clean Air Act. On May 22, 2017, we received additional information from NSP, and we are currently reviewing this submission to determine whether it includes the information necessary to determine whether grain sorghum oil has comparable lifecycle greenhouse gas emissions to corn oil. In the previous lifecycle greenhouse gas evaluation that compared grain sorghum ethanol and corn starch ethanol production, the analysis showed important differences. We will carefully consider the best available science including the recently submitted information by NSP prior to making a determination for sorghum oil.

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Sarah Dunham  
Acting Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

MAY 25 2017

OFFICE OF  
AIR AND RADIATION

The Honorable Adrian Smith  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Smith:

Thank you for your letter of March 9, 2017, to the U.S. Environmental Protection Agency regarding the production of biofuels from grain sorghum oil under the Renewable Fuel Standard (RFS).

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Acting Assistant Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

MAY 25 2017

OFFICE OF  
AIR AND RADIATION

The Honorable Lynn Jenkins  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congresswoman Jenkins:

Thank you for your letter of March 9, 2017, to the U.S. Environmental Protection Agency regarding the production of biofuels from grain sorghum oil under the Renewable Fuel Standard (RFS).

My staff has been in regular contact with the National Sorghum Producers (NSP) regarding their petition. After reviewing the initial data from NSP, EPA determined that NSP did not include all of the data required to calculate the lifecycle greenhouse gas emissions as required by the Clean Air Act. On May 22, 2017, we received additional information from NSP, and we are currently reviewing this submission to determine whether it includes the information necessary to determine whether grain sorghum oil has comparable lifecycle greenhouse gas emissions to corn oil. In the previous lifecycle greenhouse gas evaluation that compared grain sorghum ethanol and corn starch ethanol production, the analysis showed important differences. We will carefully consider the best available science including the recently submitted information by NSP prior to making a determination for sorghum oil.

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Sarah Dunham  
Acting Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

MAY 25 2017

OFFICE OF  
AIR AND RADIATION

The Honorable Frank Lucas  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Lucas:

Thank you for your letter of March 9, 2017, to the U.S. Environmental Protection Agency regarding the production of biofuels from grain sorghum oil under the Renewable Fuel Standard (RFS).

My staff has been in regular contact with the National Sorghum Producers (NSP) regarding their petition. After reviewing the initial data from NSP, EPA determined that NSP did not include all of the data required to calculate the lifecycle greenhouse gas emissions as required by the Clean Air Act. On May 22, 2017, we received additional information from NSP, and we are currently reviewing this submission to determine whether it includes the information necessary to determine whether grain sorghum oil has comparable lifecycle greenhouse gas emissions to corn oil. In the previous lifecycle greenhouse gas evaluation that compared grain sorghum ethanol and corn starch ethanol production, the analysis showed important differences. We will carefully consider the best available science including the recently submitted information by NSP prior to making a determination for sorghum oil.

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Acting Assistant Administrator



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

MAY 25 2017

OFFICE OF  
AIR AND RADIATION

The Honorable Tom Cole  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Cole:

Thank you for your letter of March 9, 2017, to the U.S. Environmental Protection Agency regarding the production of biofuels from grain sorghum oil under the Renewable Fuel Standard (RFS).

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Acting Assistant Administrator





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

MAY 25 2017

OFFICE OF  
AIR AND RADIATION

The Honorable Blake Farenthold  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Farenthold:

Thank you for your letter of March 9, 2017, to the U.S. Environmental Protection Agency regarding the production of biofuels from grain sorghum oil under the Renewable Fuel Standard (RFS).

My staff has been in regular contact with the National Sorghum Producers (NSP) regarding their petition. After reviewing the initial data from NSP, EPA determined that NSP did not include all of the data required to calculate the lifecycle greenhouse gas emissions as required by the Clean Air Act. On May 22, 2017, we received additional information from NSP, and we are currently reviewing this submission to determine whether it includes the information necessary to determine whether grain sorghum oil has comparable lifecycle greenhouse gas emissions to corn oil. In the previous lifecycle greenhouse gas evaluation that compared grain sorghum ethanol and corn starch ethanol production, the analysis showed important differences. We will carefully consider the best available science including the recently submitted information by NSP prior to making a determination for sorghum oil.

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Acting Assistant Administrator

**Congress of the United States**  
**Washington, DC 20515**

June 11, 2018

The Honorable Scott Pruitt  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Ave. NW  
Washington, DC 20004

Dear Administrator Pruitt:

Electricity derived from renewable biomass is an important source of carbon neutral power that is reliable, supports jobs, and contributes to healthy farms, forests and municipal infrastructure. For these reasons, we urge your Agency to take quick action in the processing of biomass and waste-to-energy pathways submitted under the Renewable Fuel Standard, and to resolve any outstanding programmatic issues that stand in the way of allowing these sources of energy to receive the same support afforded other forms of energy.

Approving and registering biomass-derived electricity is important to our state and consistent with your message in Manchester, New Hampshire earlier this year when you voiced your support for biomass and also in your recent announcement of EPA's consideration of biomass as a carbon neutral source of energy. Biomass is an important component of our state's forest products economy, providing markets for low-value organic material that would otherwise be discarded or landfilled.

Biomass is especially critical to the state of California. Our state is experiencing an unprecedented tree mortality crisis, with an estimated 129 million dead or dying trees statewide, according to the U.S. Forest Service. As users of low-value wood fibers, biomass power facilities are an important component of forest management, enabling the productive and environmentally sound use of debris cleared out of forests to reduce forest fire risk. Unfortunately, the biomass power industry in our state is experiencing its own difficulties, with over half the fleet currently idled due to a transformed power market partially due to lopsided federal support for other renewables like wind and solar. California has enacted the BioRAM policy requiring utilities to purchase a certain amount of biomass power, which has been helpful – but EPA action approving the qualification of biomass power under the RFS is sorely needed to keep these facilities online and contributing to ongoing forest management and fire prevention efforts.

While it is appropriate to carefully review the overall RFS program, we are concerned that EPA's inability to process the registrations of biomass-derived electricity has created "winners and losers" among agricultural fuels and their feedstocks. Corn ethanol producers in many states have benefitted tremendously from the Renewable Fuel Standard – and our biomass power producers in California should be able to participate as well.

Allowing biomass power to qualify and register under the RFS will help ensure a stable future for California biomass power producers, preserving and creating jobs in rural areas where they are most needed. We urge you to act as soon as possible on the petitions and registrations before you, enabling biomass power and waste-to-energy to qualify to produce RIN credits.

Sincerely,



DOUG LAMALFA  
Member of Congress



JOHN GARAMENDI  
Member of Congress



PAUL COOK  
Member of Congress



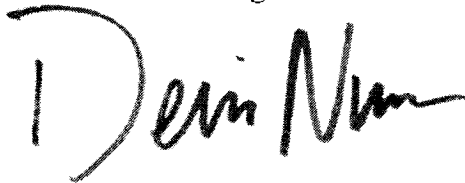
RAUL RUIZ  
Member of Congress



DANA RORABACHER  
Member of Congress



MIMI WALTERS  
Member of Congress



DEVIN NUNES  
Member of Congress



DAVID G. VALADAO  
Member of Congress



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

December 4, 2018

OFFICE OF  
AIR AND RADIATION

The Honorable Doug LaMalfa  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman LaMalfa:

Thank you for your June 11, 2018 letter to the U.S. Environmental Protection Agency (EPA) regarding the potential under the Renewable Fuel Standard (RFS) program for an "electric pathway."

EPA understands the importance of the RFS program to many stakeholders and appreciates your input regarding the potential benefits of generating Renewable Identification Numbers (RINs), the compliance credits under the RFS program, from electricity derived from forest biomass. EPA also understands the important role that forest biomass can play in supporting jobs and local economies, including in California.

In 2014, EPA created a RFS pathway in our regulations that would allow parties to generate RINs for qualifying biogas-based electricity used for charging electric vehicles. Following establishment of that pathway, EPA received multiple applications and expressions of interest from parties interested in registering with EPA to produce RINs under the pathway. A number of these applications took significantly different approaches to how such a pathway would be implemented by EPA in practice. After evaluating these different approaches, and in light of the complexity associated with tracking valid credit generation and qualified use under the program, EPA concluded that it was necessary to develop and implement additional regulatory provisions to assure that any electricity (e-RIN) program would contain appropriate programmatic safeguards.

To that end, in November 2016, EPA published a proposed rule entitled Renewables Enhancement and Growth Support (REGS) that sought public comment on designing a verifiable electric pathway program. This included identifying which party in the vehicle charging process should generate RINs, what data is necessary to demonstrate the use of electricity as a transportation fuel, and how third-party aggregators could be allowed to participate. Specifically, EPA asked for data, information, and factors to consider when designing a regulatory program for the electric pathway. It is important to note that in the 2016 REGS proposal EPA only sought comments on the electric pathway program but made no regulatory proposal for implementation.

Since the REGS proposed rule comment period closed last year, staff have been going through the many comments received, evaluating the various implementation options raised by the comments, and exploring procedural options for resolving the complex issues associated with

implementing the electric pathway. We continue to believe that the issues surrounding RIN generation for renewable electricity under the RFS program are not adequately addressed by our existing regulations and necessitate that these issues be addressed via regulatory changes.

EPA will continue to pursue the development of additional regulatory provisions to ensure that any "e-RIN" program will contain appropriate programmatic safeguards and create a fair playing field for all program participants. We are currently not in a position to share a timeline for such work, due in particular to competing fuels policy priorities, but we will engage further with stakeholders as soon as possible.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Karen Thundiyil in EPA's Office of Congressional and Intergovernmental Relations at [thundiyil.karen@epa.gov](mailto:thundiyil.karen@epa.gov) or (202) 564-1142.

Sincerely,

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William L. Wehrum  
Assistant Administrator





## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

December 4, 2018

OFFICE OF  
AIR AND RADIATION

The Honorable John Garamendi  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Garamendi:

Thank you for your June 11, 2018 letter to the U.S. Environmental Protection Agency (EPA) regarding the potential under the Renewable Fuel Standard (RFS) program for an "electric pathway."

EPA understands the importance of the RFS program to many stakeholders and appreciates your input regarding the potential benefits of generating RINs (Renewable Identification Numbers), the compliance credits under the RFS program, from electricity derived from forest biomass. EPA also understands the important role that forest biomass can play in supporting jobs and local economies, including in California.

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William L. Wehrum  
Assistant Administrator



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

December 4, 2018

OFFICE OF  
AIR AND RADIATION

The Honorable Paul Cook  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Cook:

Thank you for your June 11, 2018 letter to the U.S. Environmental Protection Agency (EPA) regarding the potential under the Renewable Fuel Standard (RFS) program for an "electric pathway."

EPA understands the importance of the RFS program to many stakeholders and appreciates your input regarding the potential benefits of generating RINs (Renewable Identification Numbers), the compliance credits under the RFS program, from electricity derived from forest biomass. EPA also understands the important role that forest biomass can play in supporting jobs and local economies, including in California.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Karen Thundiyil in EPA's Office of Congressional and Intergovernmental Relations at [thundiyil.karen@epa.gov](mailto:thundiyil.karen@epa.gov) or (202) 564-1142.

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William L. Wehrum  
Assistant Administrator



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

December 4, 2018

OFFICE OF  
AIR AND RADIATION

The Honorable Raul Ruiz  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Ruiz:

Thank you for your June 11, 2018 letter to the U.S. Environmental Protection Agency (EPA) regarding the potential under the Renewable Fuel Standard (RFS) program for an "electric pathway."

EPA understands the importance of the RFS program to many stakeholders and appreciates your input regarding the potential benefits of generating RINs (Renewable Identification Numbers), the compliance credits under the RFS program, from electricity derived from forest biomass. EPA also understands the important role that forest biomass can play in supporting jobs and local economies, including in California.

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Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Karen Thundiyil in EPA's Office of Congressional and Intergovernmental Relations at [thundiyil.karen@epa.gov](mailto:thundiyil.karen@epa.gov) or (202) 564-1142.

Sincerely,

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William L. Wehrum  
Assistant Administrator



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

December 4, 2018

OFFICE OF  
AIR AND RADIATION

The Honorable Dana Rohrabacher  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Rohrabacher:

Thank you for your June 11, 2018 letter to the U.S. Environmental Protection Agency (EPA) regarding the potential under the Renewable Fuel Standard (RFS) program for an "electric pathway."

EPA understands the importance of the RFS program to many stakeholders and appreciates your input regarding the potential benefits of generating RINs (Renewable Identification Numbers), the compliance credits under the RFS program, from electricity derived from forest biomass. EPA also understands the important role that forest biomass can play in supporting jobs and local economies, including in California.

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William L. Wehrum  
Assistant Administrator





## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

December 4, 2018

OFFICE OF  
AIR AND RADIATION

The Honorable Mimi Walters  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congresswoman Walters:

Thank you for your June 11, 2018 letter to the U.S. Environmental Protection Agency (EPA) regarding the potential under the Renewable Fuel Standard (RFS) program for an "electric pathway."

EPA understands the importance of the RFS program to many stakeholders and appreciates your input regarding the potential benefits of generating RINs (Renewable Identification Numbers), the compliance credits under the RFS program, from electricity derived from forest biomass. EPA also understands the important role that forest biomass can play in supporting jobs and local economies, including in California.

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William L. Wehrum  
Assistant Administrator



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

December 4, 2018

OFFICE OF  
AIR AND RADIATION

The Honorable Devin Nunes  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Nunes:

Thank you for your June 11, 2018 letter to the U.S. Environmental Protection Agency (EPA) regarding the potential under the Renewable Fuel Standard (RFS) program for an “electric pathway.”

EPA understands the importance of the RFS program to many stakeholders and appreciates your input regarding the potential benefits of generating RINs (Renewable Identification Numbers), the compliance credits under the RFS program, from electricity derived from forest biomass. EPA also understands the important role that forest biomass can play in supporting jobs and local economies, including in California.

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William L. Wehrum  
Assistant Administrator



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

December 4, 2018

OFFICE OF  
AIR AND RADIATION

The Honorable David G. Valadao  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Valadao:

Thank you for your June 11, 2018 letter to the U.S. Environmental Protection Agency (EPA) regarding the potential under the Renewable Fuel Standard (RFS) program for an "electric pathway."

EPA understands the importance of the RFS program to many stakeholders and appreciates your input regarding the potential benefits of generating RINs (Renewable Identification Numbers), the compliance credits under the RFS program, from electricity derived from forest biomass. EPA also understands the important role that forest biomass can play in supporting jobs and local economies, including in California.

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William L. Wehrum  
Assistant Administrator

**Congress of the United States**  
**Washington, DC 20515**

July 12, 2018

The Honorable Andrew Wheeler  
Acting Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, D.C. 20460

Dear Acting Administrator Wheeler,

To begin, we congratulate you on your recent appointment to Acting Administrator of U.S. Environmental Protection Agency and wish you all the best. We write to make you aware of a small but important part of the Renewable Fuel Standard called the “electric pathway” and commitments your predecessor, Administrator Pruitt, made to our constituents.

Along with a bipartisan group of our colleagues, we sent two letters to Administrator Pruitt (attached for reference), which explain how the electric pathway could provide needed support to American dairy and livestock farmers and request the Agency approve pending applications under the pathway in 2018. Since those letters were sent, both the House and Senate Interior Appropriations Committees have provided further direction to the Agency by adopting the language copied below in their respective fiscal year 2019 Interior Appropriations bill reports, showing strong bipartisan and bicameral interest in the program.

*“Electric Pathway – The Committee notes the backlog of applications under the Renewable Fuels Pathway II rule finalized in 2014. No applications for the electric pathway – which could help support rural agricultural communities – have been approved since the rule went into effect. The Committee strongly encourages the Agency to take action on the existing applications within 90 days of the enactment of this Act.”*

We also understand that our constituents – family farmers and business owners – and their partner, RFS applicant BTR Energy, have had continued contact with EPA over the last 18 months, culminating in a meeting with Administrator Pruitt on June 21, 2018. In the meeting, Administrator Pruitt committed to activating the pathway as quickly as possible, recognizing that the dairy industry in particular needs immediate support.

For better or worse, that commitment has circulated in the agricultural communities we represent and our constituents began making business decisions on that basis, having interpreted Administrator Pruitt’s promise as providing certainty for the program. These are small family businesses that, as you know, would be disproportionately affected by further delays at a time when they can least afford it.

We applauded Administrator Pruitt's decision, and in light of that, we would like to express our hope for continuity and immediate action.

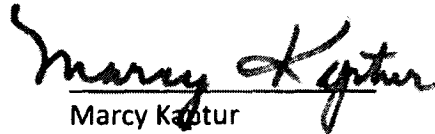
Thank you for your consideration on this matter. Please do not hesitate to reach out to our offices for additional information as you settle in.

Sincerely,



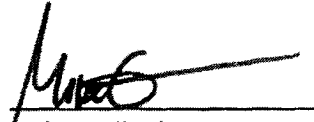
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Chris Collins  
Member of Congress



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Marcy Kaptur  
Member of Congress



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Mike Gallagher  
Member of Congress





## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 6, 2018

OFFICE OF  
AIR AND RADIATION

The Honorable Chris Collins  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Collins:

Thank you for your July 12, 2018 letter to the U.S. Environmental Protection Agency (EPA) Acting Administrator Andrew Wheeler regarding an “electric pathway” in the Renewable Fuel Standard (RFS) program. Your letter highlights language from Senate and House fiscal year 2019 Interior Appropriations bill reports, encouraging EPA to take action on electricity pathway applications.

EPA understands the importance of the RFS program to many stakeholders and appreciates your input regarding the potential benefits of generating Renewable Identification Numbers (RINs), the compliance credits under the RFS program, from electricity derived from biogas. EPA also understands the important role anaerobic digesters play on farms and the opportunities they present for rural communities to improve both environmental and financial outcomes. You may be familiar with EPA’s AgSTAR program, which works directly with anaerobic digester stakeholders to promote the use of biogas recovery systems to reduce methane emissions from livestock waste. EPA has heard directly from several parties interested in generating RINs from electricity produced from rural anaerobic digester systems, where such electricity would ultimately be used for transportation purposes. EPA has also engaged with automakers, utilities, and third-party aggregators of the type you raise in your letter to better understand the types of services they seek to offer in connection with the RFS program.

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Since the REGS proposed rule comment period closed last year, staff have been going through the many comments received, evaluating the various implementation options raised by the comments, and exploring procedural options for resolving the complex issues associated with implementing the electric pathway. We continue to believe that the issues surrounding RIN generation for renewable electricity under the RFS program are not adequately addressed by our existing regulations and necessitate that these issues be addressed via regulatory changes.

EPA will continue to pursue the development of additional regulatory provisions to ensure that any "e-RIN" program will contain appropriate programmatic safeguards and create a fair playing field for all program participants. We are currently not in a position to share a timeline for such work, due in particular to competing fuels policy priorities, but we will continue to engage with stakeholders.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Karen Thundiyil in the EPA's Office of Congressional and Intergovernmental Relations at [thundiyil.karen@epa.gov](mailto:thundiyil.karen@epa.gov) or 202-564-1142.

Sincerely,

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William L. Wehrum  
Assistant Administrator





## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 6, 2018

OFFICE OF  
AIR AND RADIATION

The Honorable Marcy Kaptur  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congresswoman Kaptur:

Thank you for your July 12, 2018 letter to the U.S. Environmental Protection Agency (EPA) Acting Administrator Andrew Wheeler regarding an “electric pathway” in the Renewable Fuel Standard (RFS) program. Your letter highlights language from Senate and House fiscal year 2019 Interior Appropriations bill reports, encouraging EPA to take action on electricity pathway applications.

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EPA will continue to pursue the development of additional regulatory provisions to ensure that any "e-RIN" program will contain appropriate programmatic safeguards and create a fair playing field for all program participants. We are currently not in a position to share a timeline for such work, due in particular to competing fuels policy priorities, but we will continue to engage with stakeholders.

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William L. Wehrum  
Assistant Administrator





## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

November 6, 2018

OFFICE OF  
AIR AND RADIATION

The Honorable Mike Gallagher  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Gallagher:

Thank you for your July 12, 2018 letter to the U.S. Environmental Protection Agency (EPA) Acting Administrator Andrew Wheeler regarding an “electric pathway” in the Renewable Fuel Standard (RFS) program. Your letter highlights language from Senate and House fiscal year 2019 Interior Appropriations bill reports, encouraging EPA to take action on electricity pathway applications.

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Sincerely,

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William L. Wehrum  
Assistant Administrator

# Congress of the United States

Washington, DC 20510

October 3, 2018

The Honorable Andrew Wheeler  
Acting Administrator  
Environmental Protection Agency  
1200 Pennsylvania Ave. NW  
Washington, DC 20004

Dear Acting Administrator Wheeler:

We write regarding the Environmental Protection Agency's (EPA) proposed Renewables Enhancement and Growth Support (REGS) rule and urge you to resolve any outstanding issues impeding EPA's ability to process biomass and waste-to-energy fuel pathways submitted under the Renewable Fuel Standard (RFS) program. Approving and registering biomass-derived electricity for the RFS is important to New Hampshire and consistent with EPA's approach toward biomass.

Biomass is an important energy source for New Hampshire and critical component of our region's forest-based economy. New Hampshire is home to seven biomass power facilities that support jobs, contribute to the state and local economies and supply renewable power to hundreds of thousands of homes and businesses across New England. Moreover, these biomass power facilities provide a source of revenue for landowners to maintain healthy forests that are vital for wildlife protection and climate change mitigation. Despite their ability to contribute to clean energy and rural economic stability, biomass power facilities in our state are on the verge of closing because of challenging power markets. Urgent action is needed to address the obstacles limiting biomass power generation and the forest-based industries it supports.

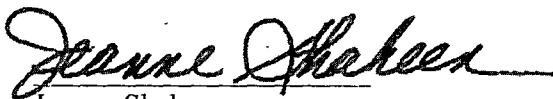
In 2014, EPA approved a pathway for renewable electricity used for transportation fuel made from certain biomass sources to qualify for Renewable Identification Numbers (RINs) under the RFS program if electricity from these sources were used to power electric vehicles. Expanding the RFS program in such a way would spur the growth of the U.S. electric vehicle market and incentivize renewable biomass power generation while simultaneously reducing pollution and greenhouse gas emissions from the transportation sector. In 2016, EPA issued the proposed REGS rule in an effort to gather additional information about the potential configurations of this new renewable electricity pathway. However, to date, EPA has yet to finalize the REGS rule or issue an approved renewable fuel pathway for biomass, waste-to-energy and several other fuel sources.

EPA's inaction has created a multi-year backlog of applications from power producers seeking registration as RIN producers for biomass-based electricity and discouraged investment in new and innovative technologies that are ready to use this approved pathway. While we understand the need to carefully review changes to the RFS program, we are concerned that delaying the inclusion

of biomass and waste-to-energy electricity producers inadvertently favors certain types of agricultural feedstock and fuel types.

Expanding the RFS program to include biomass-derived electricity would help the U.S. achieve its clean energy goals and provide a much-needed boost to the biomass industry in New Hampshire. We urge you to immediately address all outstanding RIN registration requests and finalize a regulatory structure for biomass and waste-to-energy fuel pathways under the RFS program.

Sincerely,



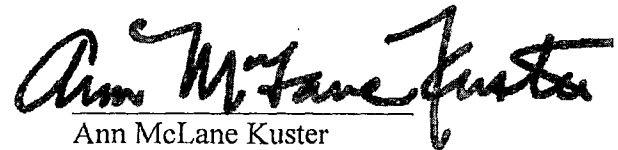
Jeanne Shaheen  
United States Senator



Margaret Wood Hassan  
United States Senator



Carol Shea-Porter  
Member of Congress



Ann McLane Kuster  
Member of Congress

CC: William Wehrum, Assistant Administrator, Office of Air and Radiation





## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

December 20, 2018

OFFICE OF  
AIR AND RADIATION

The Honorable Jeanne Shaheen  
United States Senate  
Washington, D.C. 20510

Dear Senator Shaheen:

Thank you for your letter, dated October 3, 2018, to the U.S. Environmental Protection Agency (EPA) Acting Administrator Andrew Wheeler regarding the generation of Renewable Identification Numbers (RINs) in the Renewable Fuel Standards (RFS) program for electricity generated from biomass that is used as transportation fuel.

EPA understands the importance of the RFS program to many stakeholders and appreciates your input regarding the potential benefits of generating RINs for electricity derived from biomass. As your letter notes, in 2014 EPA created a RFS pathway in our regulations that would allow parties to generate RINs for qualifying biogas-based electricity used for charging electric vehicles. Following establishment of that pathway, EPA received multiple applications and expressions of interest from parties interested in registering with EPA to produce RINs under the pathway. A number of these applications took significantly different approaches to how such a pathway would be implemented by EPA in practice. After evaluating these different approaches, and in light of the complexity associated with tracking valid credit generation and qualified use under the program, EPA concluded that it was necessary to develop and implement additional regulatory provisions to assure that any electricity RIN (e-RIN) program would contain appropriate programmatic safeguards.

To that end, in November 2016, EPA published a proposed rule entitled Renewables Enhancement and Growth Support (REGS) that sought public comment on designing a verifiable electric pathway program. This included identifying which party in the vehicle charging process should generate RINs, what data is necessary to demonstrate the use of electricity as a transportation fuel, and how third-party aggregators could be allowed to participate. Specifically, EPA asked for data, information, and factors to consider when designing a regulatory program for the electric pathway. It is important to note that in the 2016 REGS proposal, EPA only sought comments on the electric pathway but made no regulatory proposal for implementation. We further note that no pathway currently exists for RINs to be generated for electricity generated from direct combustion of biomass.

Since the REGS proposed rule comment period closed, staff have been going through the many comments received, evaluating the various implementation options raised by the comments, and exploring procedural options for resolving the complex issues associated with implementing the electricity pathway. We continue to believe that the issues surrounding RIN generation for renewable electricity under the RFS program are not adequately addressed by our existing regulations and necessitate that these issues be addressed via regulatory changes.

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Again, thank you for your letter. If you have further questions, please contact Karen Thundiyil in EPA's Office of Congressional and Intergovernmental Relations at [thundiyil.karen@epa.gov](mailto:thundiyil.karen@epa.gov) or (202) 564-1142.

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William L. Wehrum  
Assistant Administrator





## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

December 20, 2018

OFFICE OF  
AIR AND RADIATION

The Honorable Margaret Wood Hassan  
United States Senate  
Washington, D.C. 20510

Dear Senator Hassan:

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William L. Wehrum  
Assistant Administrator





## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

December 20, 2018

OFFICE OF  
AIR AND RADIATION

The Honorable Carol Shea-Porter  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congresswoman Shea-Porter:

Thank you for your letter, dated October 3, 2018, to the U.S. Environmental Protection Agency (EPA) Acting Administrator Andrew Wheeler regarding the generation of Renewable Identification Numbers (RINs) in the Renewable Fuel Standards (RFS) program for electricity generated from biomass that is used as transportation fuel.

EPA understands the importance of the RFS program to many stakeholders and appreciates your input regarding the potential benefits of generating RINs for electricity derived from biomass. As your letter notes, in 2014 EPA created a RFS pathway in our regulations that would allow parties to generate RINs for qualifying biogas-based electricity used for charging electric vehicles. Following establishment of that pathway, EPA received multiple applications and expressions of interest from parties interested in registering with EPA to produce RINs under the pathway. A number of these applications took significantly different approaches to how such a pathway would be implemented by EPA in practice. After evaluating these different approaches, and in light of the complexity associated with tracking valid credit generation and qualified use under the program, EPA concluded that it was necessary to develop and implement additional regulatory provisions to assure that any electricity RIN (e-RIN) program would contain appropriate programmatic safeguards.

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Assistant Administrator





## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

December 20, 2018

OFFICE OF  
AIR AND RADIATION

The Honorable Ann McLane Kuster  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congresswoman Kuster:

Thank you for your letter, dated October 3, 2018, to the U.S. Environmental Protection Agency (EPA) Acting Administrator Andrew Wheeler regarding the generation of Renewable Identification Numbers (RINs) in the Renewable Fuel Standards (RFS) program for electricity generated from biomass that is used as transportation fuel.

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